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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 TRIPLE AAA ASSOCIATION FOR
12 CHILDREN WITH DEVELOPMENTAL
13 DISABILITIES SUING ON BEHALF OF
MEMBER DEMETRIO,

Plaintiff,

14 vs.

15 RODRIGUEZ CLAUDIA dba
16 ARMANDOS TACO SHOP 2, et al.,

Defendants.
17

CASE NO. 06CV2506 BTM (LSP)

**ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND COMPLAINT
[Doc. #5]**

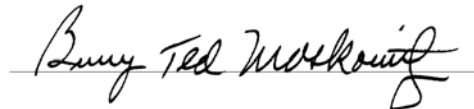
18 On November 15, 2006, Plaintiff filed a complaint alleging discriminatory practices in
19 public accommodations encountered by Plaintiff's member Demetrio upon visiting Armandos
20 Taco Shop 2. On April 5, 2007, Defendant filed an answer to the complaint. On May 7,
21 2007, Plaintiff filed a motion to amend its complaint in order to add the landlord of the subject
22 property and to clarify the pleadings, including correcting the named parties. No brief was
23 filed in opposition to Plaintiff's motion. The motion came on for hearing on June 15, 2007
24 and was taken under submission. The Court finds that this matter is suitable for
25 determination without oral argument pursuant to CivLR 7.1(d)(1).

26 Leave to amend a complaint is to be "freely given when justice so requires." Fed. R.
27 Civ. P. 15(a); accord Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1051-52 (9th Cir.
28 2003). In the absence of any reason such as undue delay, bad faith or, most importantly,

1 prejudice to the opposing party, "there exists a *presumption* under Rule 15(a) in favor of
2 granting leave to amend." *Id.* at 1052. The Court finds that the newly added Defendants will
3 suffer no prejudice from being added at this early stage of the litigation, and the previously
4 named Defendant has not opposed the motion. Since no reason exists to deny Plaintiff's
5 request, the Court hereby **GRANTS** Plaintiff's motion to amend its complaint. Plaintiff is
6 directed to file a First Amended Complaint, in the form submitted to the Court as an exhibit
7 to its motion, within 10 days of entry of this order and to serve that complaint upon all
8 Defendants without delay.

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10 **IT IS SO ORDERED.**

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12 DATED: June 18, 2007

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14 Hon. Barry Ted Moskowitz
15 United States District Judge
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